

BY FINANCE EXECUTIVE COMMITTEE

AN ORDINANCE BY THE CITY OF ATLANTA AUTHORIZING THE MAYOR TO EXECUTE A CORRECTION DEED TO CURE AN INCORRECT LEGAL DESCRIPTION ON A DEED AUTHORIZED BY ORDINANCE 94-O-1280, EXECUTED ON NOVEMBER 3, 1994 AND RECORDED ON NOVEMBER 7, 1994 APPROVING THE TRANSFER OF THE FINCH ELEMENARY SCHOOL PROPERTY TO THE ATLANTA BOARD OF EDUCATION; AND FOR OTHER PURPOSES.

WHEREAS, the Atlanta Board of Education (the "Board") sent a request for the transfer of the Finch Elementary School property and attached a legal description with an error on it on June 3, 1994; and

WHEREAS, the City of Atlanta approved the transfer of real property located at the Finch Elementary School to the Board by Ordinance 94-O-1280 on September 6, 1994; and

WHEREAS, the City of Atlanta did quitclaim the property to Board with the incorrect legal description by deed dated November 3, 1994 and recorded on November 7, 1994 at Book 1893 Page 329; and

WHEREAS, the Board conveyed a deed to the Carver Hills Neighborhood Association a/k/a Carver Hills Community Association with the incorrect legal description, and

WHEREAS, the Carver Hills Community Association contracted with the Atlanta Greenspace Initiative to convey the property but the incorrect legal description was discovered; and

WHEREAS, Atlanta Greenspace Initiative has brought suit to quiet title related to the erroneous legal description under Civil Action 2008CV144921.

NOW, THE MAYOR AND COUNCIL OF THE CITY OF ATLANTA HEREBY ORDAINS as follows:

Section 1: That the legal description of that certain deed approved by the City of Atlanta, executed on November 3, 1994 and recorded on November 7, 1994 be corrected to include the legal description attached hereto as Exhibit "A".

Section 2: That the Mayor is authorized to execute a Correction Deed to include the correct legal description.

Section 3: That the City Attorney is authorized to execute a Settlement Agreement conveying the correct deed and legal description to the Atlanta School Board.

Section 4: That all Ordinances and parts of Ordinances in conflict herewith are hereby repealed to the extent of any conflict.

Exhibit "A"

Property Description

ALL THAT TRACT or parcel of land lying and being in Land Lot 246 of the 17th District, Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at a concrete monument located on the southwesterly right of way line of Ajax Drive one-hundred sixty-three and two tenths (163.2) feet northwesterly as measured along the southwesterly line of Ajax Drive from the point of intersection of the southwesterly right of way line of Ajax Drive with the westerly right of way of McCallie Boulevard, said point of beginning being the northernmost corner of Lot 1, Block F, of the Carver Hills Subdivision, Unit 4, Section 2, as shown on Subdivision Plat recorded in Plat Book 74, Page 107, Fulton County Records; thence running North 43 degrees 22 minutes West along the southwesterly right of way line of Ajax Drive two hundred eighty-two (282) feet to a concrete monument located at the easternmost corner of Lot 1 of Block C of said Subdivision; thence running South 46 degrees 43 minutes West along the southeasterly line of said Lot 1, one hundred sixty-one and five tenths (161.5) feet to a concrete monument; thence running South 88 degrees 17 minutes West along the south line of said Lots 1, 2, 3, 4, 5 and 6 of Block C of said Subdivision two hundred fifty-seven and six tenths (257.6) feet to a iron pin; thence running South 88 degrees 21 minutes West and continuing along the south line of Lots 6, 7, 8, and 9 of Block C of said Subdivision four hundred thirty-one (431) feet to a concrete monument; thence continuing South 88 degrees 21 minutes West along the south line of Lot 9 of Block C of said Subdivision fifty-one and nine tenths (51.90) feet to a point located at the center line of Proctor Creek; thence running southerly, southeasterly, easterly, northeasterly, and southeasterly along the center line of said creek and following the meanderings thereof a total distance of twelve hundred forty eight and three tenths (1248.34) feet to the southwesterly corner of Lot 16 of Block F of said Subdivision; thence running North 1 degree 44 minutes West twenty-seven and seven tenths (27.68) feet to a iron pin; thence continuing North 1 degree 44 minutes and 26 seconds West along the west line of Lots 16, 15, and 14 of Block F of said Subdivision two hundred eighty four and seven tenths (284.7) feet to a iron pin; thence running North 88 degrees 11 minutes East along the north line of Lots 14 and 13 of Block F of said Subdivision one hundred ninety-seven and five tenths (197.5) feet to a iron pin; thence running North 86 degrees 55 minutes East and continuing along the north line of Lots 13, 11, 10, 9 and 8 of Block F of said Subdivision three hundred thirty – five (335) feet to a concrete monument; thence running North 21 degrees 49 minutes 30 seconds West along the southwesterly line of Lot 4, Block F of Carver Hills Subdivision, Unit 4, Section 1, shown on subdivision plat recorded in Plat Book 70, Page 103, Fulton County Records, sixty-four (64) feet to a concrete monument at the southwesterly corner of Lot 3; thence North 21 degrees 37 minutes 35 seconds West along the southwesterly line of Lot 3, Block F, Carver Hills Subdivision Unit 4, Section 1, and continuing along the southwesterly line of Lot 1 of said first mentioned subdivision a total distance of one hundred sixty-eight (168.03) feet to a concrete monument; thence running North 46 degrees 38 minutes and 42 seconds East and continuing along the northwesterly line of said Lot 1, one hundred forty-nine and two tenths (149.423) feet to a concrete monument located on the southwesterly right of way of Ajax Drive at the point of beginning. The above described property being shown as 13.5912 acres as shown on plat of survey prepared by Ernest L. Boggus, Registered Land Surveyor, dated November 1963, revised June 1964 and January 1967.

After recording return to:

QUITCLAIM DEED

THIS INDENTURE is made as of the ____ day of _____, 2010 between

CITY OF ATLANTA, a Municipal corporation

of the County of **FULTON** and the State of **GEORGIA**, as party of the of the first part,
hereinafter called Grantor, and

ATLANTA BOARD OF EDUCATION

of the County of **FULTON**, State of **GEORGIA**, as party or parties of the second part,
hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs,
successors and assigns where the context requires or permits).

WITNESSETH, that: Grantor, for and in consideration of the sum of ONE DOLLAR
(\$1.00) AND OTHER GOOD AND VALUABLE CONSIDERATION in hand paid at and
before the sealing and delivery of these presents, the receipt, adequacy and sufficiency of which
are hereby acknowledged, by these presents does hereby remise, convey and forever
QUITCLAIM unto Grantee

ALL THAT TRACT OR PARCEL of land lying and being in and described in Exhibit
"A" attached hereto and made a part hereof by reference. Any and all reservations for existing
public or private utility easements shall remain in effect for the purpose of entering the property
to operate, maintain, or replace said utility facilities. These easements shall remain in effect until
such time as said utilities are abandoned, removed, or relocated, at which time said easements
shall expire.

This deed was authorized by an Ordinance 94-O-1280 adopted by the Council on
September 4, 2004. This deed is given to correct and clarify the legal description of the property
by the parties hereto to have been conveyed by the City of Atlanta, a municipal corporation
under the laws of the State Georgia and the Atlanta Board of Education, dated November 3,
1994 filed and recorded on November 7, 1994 in Deed Book 18931, Page 330, Fulton County
records.

TO HAVE AND TO HOLD the said described premises to Grantee, so that neither
Grantor nor any person or persons claiming under Grantor shall at any time, by any means or
ways, have, claim or demand any rights or title to said premises or appurtenances, or any rights
thereof.

IN WITNESS WHEREOF, Grantor has signed and sealed this ded, the day and year first above written.

Signed, sealed and
delivered in the
presence of:

"GRANTOR"

CITY OF ATLANTA

Witness

By: _____
MAYOR

Notary Public

(AFFIX CORPORATE SEAL)

My Commission Expires: _____

[NOTARY PUBLIC SEAL]

AN ORDINANCE

10-O-

BY FINANCE EXECUTIVE COMMITTEE

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RCS# 18
1/19/10
1:55 PM

Atlanta City Council

REGULAR SESSION

CONSENT II

REFER

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Bond
Y Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
B Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT II

**LEGISLATIVE COUNSEL
REQUEST FOR LEGISLATION**

For Legislative Counsel Use Only

_____ Date Received _____ Complete _____ Incomplete (Date returned: _____)

_____ Date of Department Consultation _____ Date of Finance Department Consultation

Commissioner Notified: ____ Yes ____ No If No, Why? _____

Legislation Required

____ Yes ____ No

Legislation Type

____ Resolution ____ Ordinance

Amends the Code

____ Yes ____ No

Blueback Prepared

____ Yes ____ No

Commissioner Signature _____

Council Members Only:

Authority to speak to Subject Matter Attorney ____ Yes ____ No

Authority to speak to Department ____ Yes ____ No

Date Submitted: _____

Department Submitting Request: _____

Person Submitting Request: Martin Clarke Extension: 6496

Bureau/Division Manager: _____ Extension: _____

Requesting preliminary meeting with Legislative Counsel attorney? ☐ Yes ☐ No

Subject Matter of the Meeting _____

Cycle Number/Requested Full Council Date (not earlier than 4 weeks from date of submission):

If this must be submitted to Council in fewer than 4 weeks explain why. Please identify consequences if legislation is not submitted for requested cycle. All non-conforming requests must have Commissioner approval.

**LEGISLATIVE COUNSEL
REQUEST FOR LEGISLATION**

Part I: Legislative Request Form:

Instructions: Please answer all questions fully before submitting. Attach additional pages if necessary. All requests for legislation must have approval of a manager prior to submission. All incomplete requests will be returned. Send request via electronic mail to Legislative Counsel. No hard copies will be accepted. Please refer to attached deadlines for the relevant Chief of Staff submission guidelines.

1. What is the purpose of this legislation? (check one)

- ☐ Accept a grant or donation
- ☐ Amend budget
- ☒ Amend Code of Ordinances
- ☐ Amend Contract
- ☐ Anticipate funds
- ☐ Appropriate funds
- ☐ Apply for a grant or donation
- ☐ Authorize/renew Contract
- ☐ Fines/penalties
- ☐ Human Resources related
- ☐ Make a purchase
- ☐ New project
- ☐ Procuring goods
- ☐ Procuring services
- ☐ Other, please explain

- ☐ Please describe in detail the purpose of your legislation? A resolution to authorize the mayor to execute a correction deed to cure an incorrect legal description on a deed authorized by ordinance 94-O-1280 approving the transfer of the Finch Elementary School Property to the Atlanta Board of Education.

- ☐ If this legislation is to award/amend/renew a contract, please provide the following:
Expiration date of contract:
Contract Term (months/yr):

2. Please describe why legislation is required rather than administrative action by the Department (please cite any relevant code sections or internal policies).

The original ordinance referenced the specific legal description, consequently, we seek to amend that ordinance

3. If there is an existing process, will this legislation impact that process? How?

No.

**LEGISLATIVE COUNSEL
REQUEST FOR LEGISLATION**

4. Please explain and estimate any financial impact on the City or your Department.

- ☐ Will the City need to appropriate or transfer funds to accomplish this purpose?
No.
- ☐ Has this purpose already been set forth in the budget?
Yes, In a previous budget
- ☐ Will there be a fee or charge assessed by the City?
 - ☐ If so, how much? 0
 - ☐ How was the fee or charge determined?
- ☐ What FAC #'s are needed for this legislation? Also, please provide the associated amounts.
- ☐ Is a grant required for this legislation? ☐ Yes ☒ No
If so, is a matching grant required? ☐ Yes ☒ No
- ☐ Will there be an increase or decrease in personnel? No
 - ☐ Has HR been made aware of the need for personnel changes? ☐ Yes ☐ No
If so, who is the contact person? at extension
 - ☐ Will positions be created or abolished?
- ☐ Will additional resources be required to achieve this purpose? No
 - ☐ If yes, what are those resources?
 - ☐ Has the Department estimated the cost of those resources?
- ☐ Will revenue be generated for the City? Yes, once the property is placed on the tax roles, there will be tax revenues.

**LEGISLATIVE COUNSEL
REQUEST FOR LEGISLATION**

5. If there has been previous or similar legislation, please describe and cite the relevant legislation (e.g., 04-R-0001). 94-O-1280
6. Is this a computer/technology purchase? ☐ Yes ☒ No
If so, please forward ISR (Information System Hardware/Software Request) along with a copy of this Legislative Request Form via inter-office mail to: Legislative Counsel, Suite 4100, Law Department.

Please forward any additional pertinent or supporting documents (e.g. contracts, exhibits, requisitions, copies of any old ordinances/resolutions pertaining to this issue, etc.) along with a copy of this Legislative Request Form and legislative white paper via email to legislative_counsel or via inter-office mail to: Legislative Counsel, Suite 4100, Law Department.

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview:

Caption:

Council Meeting Date:

Requesting Dept.:

B. To be completed by the department :

1. Please provide a summary of the purpose of this legislation (Justification Statement).

Example: The purpose of this legislation is to anticipate funds from a local assistance grant to purchase child safety seats.

The purpose of this legislation is to authorize the mayor to execute a correction deed to cure an incorrect legal description on a deed authorized by ordinance 94-O-1280 approving the transfer of the finch elementary school property to the Atlanta Board of Education

2. Please provide background information regarding this legislation.

The City Council approved the conveyance of property to the Atlanta School Board in 1994. The legal description was incorrect. This legislation seeks to correct that mistake.

2. Please provide background information regarding this legislation.

Example: The task force on homelessness conducted a study regarding homelessness, its impact and consequences on the City. This resolution reflects the Mayor's desire to open a twenty-four hour center that will respond to the needs of the homeless in Atlanta.

3. If Applicable/Known:

- (a) Contract Type (e.g. Professional Services, Construction Agreement, etc): N/A
- (b) Source Selection: N/A
- (c) Bids/Proposals Due: N/A
- (d) Invitations Issued: N/A
- (e) Number of Bids: N/A
- (f) Proposals Received: N/A
- (g) Bidders/Proponents: N/A
- (h) Term of Contract: N/A

4. Fund Account Center: N/A

5. Source of Funds: *Example: Local Assistance Grant* N/A

6. Fiscal Impact:

Example: This legislation will result in a reduction in the amount of _____ to Fund Account Center Number _____.

7. Method of Cost Recovery: Once placed on the tax rolls, the property will generate tax revenues.

Examples:

- a. Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.***
- b. Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.***

This Legislative Request Form Was Prepared By: